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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,722	01/16/2004	Andrew Kilkenny	426.56	6548

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THE CLOROX COMPANY  
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EXAMINER
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BOYER, CHARLES I

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/758,722

Applicant(s)

KILKENNY ET AL.

Examiner

Charles I. Boyer

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1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) 47-64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/16/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-46, drawn to a cleaning implement, classified in class 510, subclass 439.

II. Claims 47-64, drawn to a process of cleaning a shower, classified in class 134, subclass 6The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case process as claimed can be practiced with another product such as one without a handleBecause these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

3. During a telephone conversation with David Peterson on September 1, 2005 a provisional election was made with traverse to prosecute the invention of group I, claims

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1-46. Affirmation of this election must be made by applicant in replying to this Office action. Claims 47-64 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 6, 12-16, 18, 30, 31, 34, 35, 38-40, 43, and 44 are rejected under 35

U.S.C. 102(b) as being anticipated by Kott et al, US 6,303,556.

Kott et al teach hard surface cleaners comprising 10% citric acid, 2% nonionic surfactant, 8% anionic surfactant, and the balance water wherein the composition has a

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pH of 3 (col. 92, example 36). The detergent composition is used with a cleaning implement containing a handle, and a removable cleaning pad comprising a scrubbing layer and an absorbent layer comprising a first and second layer (col. 86, lines 19-36). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

5. Claims 1-4, 9, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnabas et al, US 6,814,088.

Barnabas et al teach hard surface cleaners comprising up to 3% citric acid, up to 15% alkylpolyglycoside nonionic surfactant, a biguanide biocide, and the balance water (col. 30, claims 1-5, 8, and 11). The detergent composition is used with a cleaning implement containing a handle, and a removable cleaning pad (col. 29, lines 61-65). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

Claims 1-4, 6, 10-14, 16, 22, 23, 25, 27, 28, 30, 34, 38, 39, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Wundrock et al, US 4,852,201.

Wundrock et al teach a toilet bowl cleaner comprising a removable cleaning pad with a handle wherein the pad is impregnated with a composition comprising an effervescing compound, a bleaching agent, and a surfactant (see abstract). An example of such a cleaning composition comprises 28% citric acid, sodium percarbonate bleaching agent, 8.8% anionic surfactant, and a fragrance (col. 8, example II-7). The removable cleaning

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pad comprises a laminate layer and an outer fabric pouch (col. 5, lines 18-26). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

6. Claims 1 and 3-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Sherry et al, US 6,716,805.

Sherry et al teach hard surface cleaners comprising up to 1% citric acid, up to 0.5% alkylpolyglycoside nonionic surfactant, an effective amount of a bleaching agent, an effective amount of antimicrobial agent, as low as 0.25% organic solvent, up to 2% perfume, and the balance water wherein the composition has a pH as low as 1 (col. 75, claim 1). The detergent composition is used with a cleaning implement containing a handle, and a removable cleaning pad comprising a disappearing dye and 2 layers (col. 62, lines 50-64). As this reference meets all material limitations of the claims at hand, the reference is anticipatory.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wundrock et al, US 4,852,201 in view of Sherry et al, US 6,716,805.

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Wundrock et al are relied upon as set forth above. Wundrock et al do not teach a disappearing dye in their removable cleaning pad.

Sherry et al are relied upon as set forth above. Recall that the removable cleaning pads of Sherry et al comprise a disappearing dye. Accordingly, such dyes are well known in the art and their incorporation into the pad of Wundrock is an obvious design choice to one of ordinary skill in the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles I. Boyer whose telephone number is 571 272 1311. The examiner can normally be reached on M-F 9:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571 272 1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Charles I Boyer  
Primary Examiner  
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